

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TED GUILLOTTE	§	
	§	
v.	§	
	§	CIVIL ACTION NO. G-06-671
ENERGY PARTNERS LTD. d/b/a	§	
DELAWARE ENERGY PARTNERS, LTD.,	§	FRCP 9(H)-ADMIRALTY
ENERGY PARTNERS 1998 INC.; ENERGY	§	
PARTNERS OF DELAWARE, LTD.,	§	
HEATHER LYNN, INC., BLAKE	§	
OFFSHORE, LLC, PRODUCTION	§	
MANAGEMENT INDUSTRIES, LLC,	§	
M/V CAPTAIN RAYNE AND	§	
ST 41B MOPU	§	

**PRODUCTION MANAGEMENT INDUSTRIES LLC'S  
OPPOSED MOTION FOR LEAVE TO FILE  
CROSS-CLAIM AGAINST ENERGY PARTNERS, LTD.**

COMES NOW, Production Management Industries LLC ("PMI"), Defendant herein, and files this Opposed Motion for Leave to File Cross-Claim Against Co-Defendant, Energy Partners, Ltd. d/b/a Delaware Energy Partners, Ltd. ("EPL"), and would respectfully show the following:

I.

Through the course of investigation and discovery, Defendant, PMI has determined that the underlying facts of this case support a cross-claim against Co-Defendant, EPL, for indemnity or, alternatively, contribution under the general maritime law. In addition, PMI has determined that the indemnity and related provisions contained in the Alliance Agreement - Production Operations and Maintenance Services ("Alliance Agreement") dated June 4, 1998 between PMI and EPL entitle it to receive contractual indemnity, defense and protection from EPL for all claims and causes of action asserted by Plaintiff against it in the captioned proceeding. However, despite due demand for these contractual protections, EPL has failed and refused and continues to fail and refuse to honor same,

in breach of EPL's contract and to the detriment of PMI as aforesaid. Accordingly, Defendant, PMI, moves for leave to file a cross-claim in this cause of action. A copy of the proposed Original Cross-Claim is attached hereto as **Exhibit A** and incorporated herein by reference for all purposes.

II.

Co-Defendant, Energy Partners, Ltd. d/b/a Delaware Energy Partners, Ltd., has been apprised of the filing of this Motion and does object to same.

III.

Leave sought by this Motion will not unduly prejudice Co-Defendant, Energy Partners, Ltd. d/b/a Delaware Energy Partners, Ltd. or delay the trial of this cause. However, the requested leave is necessary as a matter of judicial economy so that the Court may adjudicate all claims among the parties herein relative to the matters in dispute.

WHEREFORE, Motion Considered, Defendant, Production Management Industries LLC, prays that this Motion be granted and for such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled to receive.

Respectfully submitted,

WHITE MACKILLOP & BAHAM P.C.

By: /s/ Ronald L. White  
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ATTORNEYS FOR DEFENDANT,  
PRODUCTION MANAGEMENT  
INDUSTRIES LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that service of the foregoing was on this date automatically accomplished on all known Filing Users through the Notice of Electronic Filing. Service on any party or counsel who is not a Filing User was accomplished via Email, Certified Mail/RRR and/or U.S. First Class Mail, in accordance with the Federal Rules of Civil Procedure on the 26th day of June, 2007.

/s/ Ronald L. White  
Ronald L. White